

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the above amendments and the following remarks.

New Claims 11-16 have been added. Claims 5, 7 and 9 have been amended. Claims 2 and 4 were previously canceled; claims 1, 3, 6 and 8 have been canceled herein. Claims 5, 7, and 9-16 are submitted for reconsideration on their merits.

I. SUMMARY OF OFFICE ACTION

The Examiner withdrew the allowability of Claim 4 in view of the newly discovered reference to Koskela et al. (WO 00/64520).

The Examiner rejected Claims 1-10 under 35 U.S.C. § 102(b) as being anticipated by Koskela et al. (WO 00/64520).

II. SUMMARY OF APPLICANT'S INVENTION

The present invention is an inhaler that includes one or more drug storage chambers in order to disperse controlled doses of medicines. The inhaler is designed to permit more efficient evacuation of the medicines by generating a positive pressure to push the medicines from their temporary storage wells while simultaneously generating a negative pressure to draw the medicines from their storage wells.

III. ART REJECTIONS

A rejection under 35 U.S.C. §102(b) requires that each and every element of the claimed invention be taught by the cited reference. Since a patent must describe and enable an invention to one skilled in the art, an anticipatory patent by definition must place the claimed invention into the public domain.

Koskela et al. teaches an “L-shaped” inhaler having two medicament containers that forcibly load dosing recesses formed in a rotatable drum. Koskela uses air intakes (17) that communicate with opening (16) so that when the user inhales, a stream of air is created proximate the dosing recesses to blow the powdered medicine into the mouthpiece.

In contrast to Koskela, Applicant’s new claims 11 and 16 teach an inhaler that utilizes a rotating disc for metering and temporarily storing the medicine before an inhalation event.

The structural differences between the two devices are evident. Applicant utilizes a disc having a plurality of dosing wells. Koskela utilizes a cylindrical drum having a multitude of dosing recesses. This is an important difference for a number of reasons. First, Koskela’s cylinder limits the number of different medicines Koskela’s inhaler can deliver. In order to increase the number of medicines, Koskela must continually increase the length of the cylinder. This can quickly make Koskela’s inhaler too large to handle (for example, the width of the mouthpiece would become too wide to fit in a user’s mouth). Applicant only needs to increase the number of drug storage chambers on the storage chamber platform. Moreover, if needed, Applicant can significantly expand the number of storage chambers by relatively small increases in the diameter of the inhaler.

Second, Koskela uses only one direction of airflow over the medicine to empty the dosing recesses in the drum. Applicant's disc is designed to allow biaxial airflow to empty the medicine stored in the dosing wells thereby ensuring that the entire amount (i.e., the pre-determined or prescribed amount) is always delivered to the user. The central airflow channel provides a negative force (i.e, a vacuum) to draw the medicine out of the dosing wells, while the air flowing through each air passageway groove provides a positive force to push the medicine from the dosing wells. (The positive airflow through the passageway grooves is similar to the airflow created in Koskela.) In this manner, there is a lower likelihood that any medicine remains behind in Applicant's design.

Third, Applicant's disc leads to a simpler, less-expensive design. Applicant only requires a number of dosing wells equal to the number of medicines to be delivered. In the illustrated embodiment, Applicant shows an inhaler that can deliver three different medicines. Accordingly, Applicant's disc only requires three dosing wells. In contrast, Koskela requires ten dosing recesses uniformly spread out over its drum for two medicines and would need fifteen dosing recesses to handle three medicines.

Applicant's disc is manipulated by turning the disc. Applicant's only moving part is the disc. Koskela's drum is manipulated by depressing a cover (4), forcing flaps (5) against teeth (13) in order to drive the drum. Koskela utilizes a spring, which Koskela never refers to, but is clearly needed to raise cover (4) so that flaps (5) clear the teeth, thereby resetting the inhaler for a future metering. There is a greater likelihood that some part of the Koskela inhaler will wear out

or break thereby rendering the Koskela inhaler inoperable. Moreover, if the failure occurs while a user is attempting to use the Koskela inhaler, the user may receive too little or too much of the medicine.

For the aforementioned reasons, Koskela does not disclose each and every element of Applicant's independent claims 11 and 16; therefore, Koskela cannot anticipate Applicant's invention. Moreover, Koskela does not teach or suggest an apparatus that utilizes biaxial airflow to improve the evacuation of the dosing wells, or the simplicity of a rotating disc in which the dosing wells equal the number of medicines to be administered; therefore, Koskela cannot make obvious Applicant's claimed invention.

IV. CONCLUSION

Applicant believes it has addressed all of the rejections raised by the Examiner in the outstanding Office Action.

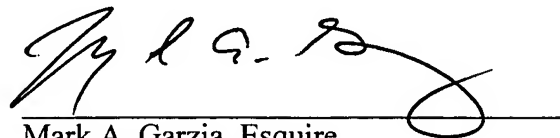
Applicant respectfully requests reconsideration of the present application in view of the above amendments and remarks, and the early issuance of a Notice of Allowance for claims 5, 7 and 9-16.

Should the Examiner have any questions regarding the allowability of any claim, he is invited to telephone the undersigned in order to expedite the prosecution of the subject application.

Respectfully submitted,

Kenneth A. ALLEY

Date: 24 APRIL 2006



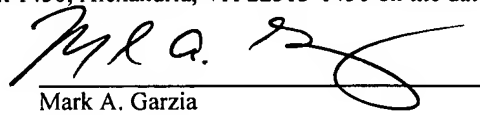
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CERTIFICATE OF MAILING

I hereby certify that this communication, along with any paper or fee indicated as being enclosed, is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Mail Stop - AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

24 APRIL 2006
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Mark A. Garzia